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SUBJECT: SEYCHELLES COURT FOR REGIONAL PIRACY PROSECUTION

REF: PORT LOUIS 00043

¶1. Elements of the Seychelles government have begun discussions with UN Working Group II (led by Thomas Winkler) regarding the possibility of establishing in Seychelles a regional court for the prosecution of piracy. Cabinet officials have raised the issue in public, indicating that the government would in principle be receptive to the proposal, with the caveat that any Somali pirates convicted by the court would be required to serve their sentences in prisons outside Seychelles (preferably in Somalia).

¶2. A proposed amendment to the Seychelles Penal Code (reftel) will facilitate piracy prosecutions under Seychelles law. The new court building (under construction by the Chinese and scheduled for completion by June, 2011) would provide an ideal venue for the proposed regional court. In addition, Commonwealth countries may provide judges to other Commonwealth states through a simple swearing-in process, thus allowing countries such as Mauritius, India, Uganda or Canada to provide judges for a regional court in Seychelles (thereby resolving "manpower" or expertise problems).

¶3. The sticking point, however, remains the absence at the moment of any mechanism for transferring convicted pirates to prisons outside Seychelles. UNODC is helping finance a prison in Somaliland and a prison in Puntland, facilities that may be available in 6-12 months.

¶4. In order to house suspected pirates before and during trial, UNODC and the EU had proposed building a 40-bed maximum security wing at the prison in Seychelles. That plan is currently under review. A new plan suggests converting the women's wing at the prison into a maximum security area and building minimum security bungalows for the women (this plan would be both cheaper and quicker).

¶5. COMMENT: If this regional court for the prosecution of piracy is to become a reality, mechanisms for the transfer of convicted Somali pirates to prisons outside Seychelles (and ideally in parts of Somalia) are crucial. The simple fact is that no country in the region (and particularly Seychelles) wishes to be stuck housing convicted Somali pirates for thirty years.

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